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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-206062.2

DATE: April 26, 1982

MATTER OF: Aervoe-Pacific Company

DIGEST:

GAO will not question the contracting officer's determination that a small business is nonresponsible where the Small Business Administration (SBA) affirms that determination by refusing to issue a certificate of competency (COC). In addition, GAO will not question the SBA's refusal to issue a COC absent a showing of fraud or bad faith.

Aervoe-Pacific Company protests the determination by the General Services Administration (GSA) that Aervoe-Pacific is a nonresponsible bidder and thus ineligible for contract award under solicitation No. IOPR-ZNS-5065 for aerosol lacquers.

We will not consider the protest on the merits.

GSA referred the matter of Aervoe-Pacific's non-responsibility to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC). The SBA declined to issue a COC.

The SBA has conclusive authority to determine the responsibility of a small business by issuing or declining to issue a COC. 15 U.S.C. § 637(b)(7)(A) (Supp. III 1979). Thus, our Office will not question a contracting officer's determination that a small business is nonresponsible where the SBA affirms that determination by refusing to issue a COC. See Stoner - Caroga Corp. Inc., B-204307, August 26, 1981, 81-2 CPD 182. Nor will we question the SBA's refusal to issue a COC in the absence of a showing by the small business that the refusal stemmed from fraud or bad faith. See Dan's Janitorial Service & Supply, B-200360, January 22, 1981, 81-1 CPD 36. There is no evidence of fraud or bad faith here.

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We dismiss the protest.

Harry R. Van Cleve
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Acting General Counsel